

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 528 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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RASHID GULAMHUSEIN QURESHI

Versus

STATE OF GUJARAT

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Appearance:

MR MJ BUDDHBHATTI for Petitioner  
PUBLIC PROSECUTOR for Respondent No. 1

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CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 17/09/98

ORAL JUDGEMENT

1. Heard Ld.Advocate Mr.M.J.Buddhbhatti appearing for the petitioner. Rule. Ld.APP-Mr.M.A.Patel waives service of rule on behalf of the respondent-State.

2. The petitioner has challenged the legality, validity and propriety of the order passed by the Ld.Addl.Sessions Judge, Court No.2, Ahmedabad city in the proceedings of Sessions Case No.139/97, dated 15th July,

3. That during the hearing of the petition, the Ld.Advocate appearing for the petitioner Mr.M.J.Buddhbhatti has stated at the Bar that he does not press for the relief prayed vide application-Exh.97 which was moved before the Ld.Addl.Sessions Judge in the proceedings of Sessions Case No.131/97 provided the petitioner is permitted to recall the two witnesses for further crossexamination out of the list stated in the application-Exh.97. It is submitted that the petitioner desires to recall one Narendrasinh K.Chudasama who has been examined at Exh.12 and one Mahendrasinh Shivsindh Vaghela, who is examined at Exh.43 for further crossexamination only.

4. I have gone through the impugned order and in view of the provisions contained under section 231(2) of Cr.P.C, 1973. I do not find any reason as to why the petitioner should not be permitted to recall the abovestated two witnesses for further crossexamination.

5. In view the above stated facts and circumstances the petitioner is directed to make fresh application to recall the abovestated two witnesses for further crossexamination under section 231(2) Cr.P.C., and the Ld.Addl.Sessions Judge, Court No.2, Ahmedabad city should permit the petitioner to recall the said two witnesses. Rule is made absolute accordingly. No costs. DS permitted.

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